



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

MEH:ddj
Docket No: 5112-99
9 November 1999

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1160 PERS 815 of 20 October 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1160
PERS-815
20 OCT 99

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS
Via: PERS-00ZCB

Subj: BCNR PETITION ICO [REDACTED]

Ref: (a) SNM's DD Form 149 dtd 30 Jul 99
(b) MILPERSMAN 1060020
(c) MILPERSMAN 1060021
(d) OPNAVINST 1160.6A

Encl: (1) BCNR File

1. In response to reference (a), recommend disapproval to petitioner's request.

- Petitioner enlisted into the Navy on 4 Jun 1992 for four years and concurrently signed a 24 month extension for the AEF program.

- Petitioner received a STAR approval from PERS-255(815) on 21 Jul 1995 to attend COMMUNICATION EQUIPMENT TECHNICIAN NEC 1425. However, petitioner was not advised of his STAR approval.

- Petitioner reenlisted on 2 Nov 1996 for five years prior to transfer to the USS ARLEIGH BURKE and received a zone "A" SRB entitlement for the ETSW(0000) rate. Petitioner received 41 months of SRB entitlement due to his EAOS of 3 Jun 1998 at the time of reenlistment.

- Petitioner requests to backdate the reenlistment of 2 Nov 1996 to 18 Jul 1996 for the benefits of the STAR program and a zone "A" SRB entitlement. Petitioner requests automatic advancement to paygrade E5 via the STAR program. Additionally, petitioner requests to receive an additional 18 months of SRB entitlement for the backdated reenlistment to 18 Jul 1996.

- Per references (b) and (c), automatic advancement under the STAR program is not a guarantee. Automatic advancement eligibility is based on the Career Schools List (CSL) in effect on the date of reenlistment.

- Per reference (c), NEC 1425 did not appear on the CSL at the time petitioner was approved for the STAR program and at the time petitioner requests to backdate the reenlistment. Therefore, petitioner would not have received automatic advancement to paygrade E-5 if he reenlisted for the STAR program.

- Per reference (d), SRB may not be paid for any service remaining on the current enlistment including nonoperative agreement(s) to extend enlistment agreement(s) to remain on active duty.

2. In view of the above, recommend petitioner's record remain as is.

3. This is an advisory memorandum to reference (a) for use by the Board for Correction of Naval Records (BCNR) only. Enclosure (1) is returned.

A handwritten signature in dark ink, appearing to read "S. R. Christy", with a stylized flourish extending from the end.

S. R. CHRISTY
Head,
Reenlistment Incentives Branch